

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

Civil Action No. 1:20-cv-1181

v.

MICHAEL W. ACKERMAN,

Defendant.

**NOTICE OF RENEWED MOTION FOR ENTRY OF DEFAULT JUDGMENT,
IMPOSING A PERMANENT INJUNCTION AND OTHER RELIEF
AGAINST DEFENDANT MICHAEL ACKERMAN,
WITH THE MONETARY AMOUNTS TO BE DETERMINED**

Pursuant to Federal Rule of Civil Procedure 55(b)(2) and Local Civil Rule 55.2(b), Plaintiff Securities and Exchange Commission (“Commission”) respectfully requests that the Court enter default judgment against Defendant Michael Ackerman (“Ackerman”) and issue an order, in the form of the proposed judgment submitted herewith, that finds Ackerman liable for violations of Section 17(a) of the Securities Act of 1933 (“Securities Act”) [15 U.S.C. § 77q(a)] (Counts I-III of the Complaint), and Section 10(b) and Rule 10b-5 of the Securities Exchange Act of 1934 (“Exchange Act”) [17 C.F.R. § 240.10b-5] (Counts IV-VI); grants permanent injunctive relief; orders disgorgement and prejudgment interest in the amount of \$30,303,518.62 as deemed satisfied by the restitution ordered against Ackerman in the parallel criminal case against him, *U.S. v. Ackerman*, 20-cr-00093-LTS (SDNY); and voluntarily dismisses the request for relief in the form of a civil monetary penalty in this case.

The Court previously denied without prejudice the Commission’s Motion for Default Judgment against Ackerman and granted the Commission leave to file a renewed motion for default judgment following the resolution of defendant Ackerman’s criminal case, because such resolution would inform the Court’s consideration of the appropriate relief in this action (ECF No. 18). The criminal case has resolved and accordingly, the Commission files its renewed Motion for Default Judgment.

In support of this Renewed Motion, the Commission submits an accompanying Memorandum of Law and the Declaration of Amie Riggle Berlin, which includes, pursuant to Local Civil Rule 55.2(b) and ECF Rule 16.4, a copy of the Complaint (ECF No. 1) to which no response has been made, a copy of the Summons (ECF No. 6), Proof of Service of the Summons and Complaint (ECF No. 7), a copy of the Clerk's Certificate of Default for Ackerman (ECF No. 11), a copy of the restitution and sentencing orders entered against Ackerman in the parallel criminal case, *U.S. v. Ackerman*, 20-cr-00093-LTS (SDNY), and the Declaration of Kathleen Strandell.

December 2, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2022, undersigned counsel caused a copy of the foregoing to be filed electronically and served by UPS on Defendant Michael W. Ackerman.

Michael W. Ackerman
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Sheffield, OH 44054